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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,468	11/13/2003	Robert J. South	4003-10702	9401
30652 7590 01/29/2007 CONLEY ROSE, P.C. 5700 GRANITE PARKWAY, SUITE 330 PLANO, TX 75024			EXAMINER CHAN, SING P	
			ART UNIT 1734	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/29/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/712,468

Applicant(s)

SOUTH, ROBERT J.

Examiner

Sing P. Chan

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5,7,9,10,13,15-17 and 27-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,7,9,10,13,15-17 and 27-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/7/06</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 5, 7, 9, 10, 13, 15-17, and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over of Wright et al (U.S. 3,540,975) in view of Rose et al (GB 908,217).

Regarding claims 1, 3, 5, 7, 9, 10, 13, 15-17, 27, and 28, Wright et al discloses a method of applying iron-on trims. The method includes providing iron-on trims with thermoplastic adhesive resin (Col 3, lines 42-62) applied to one surface of a fabric (Col 2 line 67 to Col 3, line 4), applying the iron-on to the textile material and applying heat to activate the thermoplastic adhesive (Col 5, lines 54-75), and if there is a need to adjust the position of the bonding, the iron-on only need to be heated again to soften the adhesive to permit the tape to easily be peeled from the laminate (Col 6, lines 51-56) and repositioned and re-ironed (Col 6, lines 14-24) and the adhesive has the property of allowing the iron-on products to be applied with light quick strokes of the flat iron to achieve temporary bond and if desired, be removed by simply pulling it from the garment or material, which is at room temperature, repositioning the iron-on, and using the flat iron with sufficient temperature, time and pressure to form a permanent bond (Col 6, lines 14-23). Furthermore, Wright et al discloses the fabric can be any

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configuration for making trimming or furnishing textile garments and articles such as curtains, household decorations, tablecloths, and furniture coverings (Col 3, lines 42-45). The examiner is taking the position of the recitation of household decorations would include quilting materials and/or backing materials. Wright et al is silent as to the fabric is a nonwoven material, which provides loft. However, providing a nonwoven material as a reinforcement material is well known and conventional as shown for example by Rose et al. Rose et al discloses a textile interlining material with hot melt material coating on one face of the material and the textile includes woven textile fabric, a felted textile fabric, or a material known as "bonded fibre fabric" which consists of natural or synthetic fibres laid at random, parallel or cross laid and bonded by a resin or other bonding agent, i.e. nonwoven sheet, which would provide loft (Page 1, lines 8-42), which are all functional equivalents.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide any textile fabric such as nonwoven sheet with hot melt material coating on one face as disclosed by Rose et al in the method of Wright et al to provide a fabric materials as the interlining materials, which are all functional equivalents.

Regarding claims 29 and 30, Wright discloses thermoplastic adhesive resin is tacky to adhere firmly to the surface of the fabric web, which binds to the fibers. (Col 3, lines 19-21)

Response to Argument

Applicant's arguments with respect to claims 1, 3, 5, 7, 9, 10, 13, 15-17, 27, and 28 have been considered but are moot in view of the new ground(s) of rejection in view of references to Wright et al (U.S. 3,540,975) and Rose et al (GB 908,217).

In response to applicant's argument of Wright et al teaches away from use of thermoplastic adhesives for basting or temporary bonding of fabric material, the examiner disagrees, since Wright et al discloses the use of the iron-on with a flat iron to apply light quick strokes to achieve temporary bonding or basting. (Col 6, lines 14-23) Therefore, Wright et al does not teach away from basting.

In response to applicant's argument of Wright et al teaches permanent bonding of the woven fabric layers and does not teach attaching a woven fabric to a non-woven web of fibers, the argument is moot with new rejection of newly found art to Rose et al.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sing P. Chan whose telephone number is 571-272-1225. The examiner can normally be reached on Monday-Thursday 7:30AM-11:00AM and 12:00PM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher A. Fiorilla can be reached on 571-272-1187. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Chan Sing P.

SPC

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